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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/085,618

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Toyohiro Arakane

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07/05/2007

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

07/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/085,618	Applicant(s) ARAKANE ET AL.	
	Examiner LUONG T. NGUYEN	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 4-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species I (Figures 1A-1C), which reads on claims 1-3 in the reply filed on 3/22/2006 is acknowledged.
2. Claims 4-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/22/2006.

Response to Arguments

3. Applicant's arguments, see Pre-Appeal Brief Request For Review, filed on 02/28/2007, with respect to claims 1-3 have been fully considered and are persuasive. The rejection made on 11/28/2006 has been withdrawn. A non-final Office Action is set forth below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Admitted Prior Art (Specification, Pages 1-2, Figures 4A-4C).

Regarding claim 1, the Admitted Prior Art Figures 4A discloses a mobile apparatus incorporating a camera, comprising:

a camera lens (lens 9, Figure 4A);

a hand strap 4 having, at one end thereof, a free-end portion that is swingable and, at another end thereof, a tied-end portion that is fixed and held by the mobile apparatus (tied-end portion near reference numeral 3 in Figure 4B);

a hand strap fitting part formed on the identical surface on which the camera lens is located for firmly holding the tied-end portion of the hand strap (hand strap fitting part 3, Figure 4A),

wherein the hand strap fitting part 3 is formed in a position that comes below the camera lens on the identical surface on which the camera lens 9 is located so that the free-end portion of the hand strap does not swing and move into a field of view of the camera lens when the mobile apparatus is held for photographic in an upright position in which a longer side of the mobile apparatus is held upright with a top portion thereof being directed upward (noted that when the mobile phone is held for photographing in an upright position, in which the longer size of the mobile phone is held upright and rotates 180 degree from position in Figure 4A where the antenna 2 is on the bottom of the mobile telephone, the hand strap fitting part 3 will be below the lens 9, therefore the free-end portion of the hand strap 4 does not swing and move into a field of view of the camera lens 9). Lacking a claimed reference point for orientation, the above claim interpretation of what constitutes an "upright" position is seen to be proper by the examiner.

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Regarding claim 3, the Admitted Prior Art discloses wherein the mobile apparatus is a mobile telephone (Specification, Pages 1-2).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (Specification, Pages 1-2, Figures 4A-4C) in view of Schweitzer et al. (US 5,867,313).

Regarding claim 1, the Admitted Prior Art Figures 4A discloses a mobile apparatus incorporating a camera, comprising:

a camera lens (lens 9, Figure 4A);

a hand strap having, at one end thereof, a free-end portion that is swingable and, at another end thereof, a tied-end portion that is fixed and held by the mobile apparatus (hand strap 4, Figure 4A-4B);

a hand strap fitting part formed on the identical surface on which the camera lens is located for firmly holding the tied-end portion of the hand strap (hand strap fitting part 3, Figure 4A).

The Admitted Prior Art Figures 4A fails to specifically disclose wherein the hand strap fitting part is formed in a position that comes below the camera lens so that the free-end portion of the hand strap does not swing and move into a field of view of the camera lens when the

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mobile apparatus is held for photographing in an upright position in which a longer side of the mobile apparatus is held upright with a top portion thereof being directed upward. However, Schweitzer et al. teaches of a mobile imaging apparatus in Figure 1 that has a tether line 184 extending from the first end 178 of the handstrap 175, which is located below the objective lens of the night vision monocular 10 and on the same surface with the objective lens; the other end of the tether line 184 attaches to the lens cap 170, thereby allowing the lens cap 170 to swing below the objective lens, and preventing the lens cap from being lost (Figure 1, Column 7, Lines 49-67). Schweitzer is therefore recited as a general teaching that it is desirable in an imaging device to keep a swingable object (in this case a lens cap) below the lens of the imager, thereby prevent small amounts of swing from impinging on the field of view of the lens.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Admitted Prior Art Figures 4A by the teaching of Schweitzer et al. in order to prevent the hand strap of AAPA's mobile phone from being swung in front of the lens, thereby minimizing the chance of the lens strap detrimentally obstructing the lens during image capture.

Regarding claim 2, the Admitted Prior Art Figures 4A and Schweitzer (Figure 1) disclose wherein the hand strap fitting part is located in such a way that a swinging center of the hand strap comes below a horizontal line tangential to a bottom edge of the camera lens when the mobile apparatus is held for photographing in the upright position.

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Regarding claim 3, the Admitted Prior Art discloses wherein the mobile apparatus is a mobile telephone (Specification, Pages 1-2).

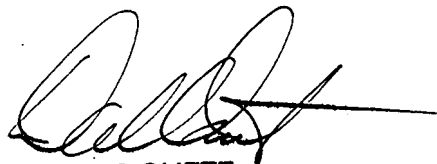
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/LN/
05/08/07


DAVID OMETZ
SUPERVISORY PATENT EXAMINER